



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,019	11/22/2000	Kazunori Ukigawa	Q61928	8508

7590 03/31/2004
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
Suite 800
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

DENNISON, JERRY B

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/717,019

Applicant(s)

UKIGAWA ET AL.

Examiner

J. Bret Dennison

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Application Number 09/717019 received on 22 November 2000.
2. Claims 1-28 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-19, 23-25, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Stumm (U.S. Patent Number 5,768,528) hereinafter referred to by Stumm.

3. Regarding claims 1, 6-9, 13, 14, 19, 23, 24, 27, Stumm discloses an information server system which comprises a server device transmitting information in response to a request, and at least one client device being connected to said server device and sending a request for transmission of information to said server device, wherein:

said server device includes

schedule management means for managing relevance between classifications of information and transmission times of the information (col. 5, lines 30-40),

request receiving means for receiving, from said client device, a request for transmission of information(col. 10, lines 4-5),

request processing means for processing the request received by said request receiving means(col. 10, lines 7-10),

information providing means for referring to said schedule management means, and for selecting classified information corresponding to a present time, and also for providing the selected information(col. 5, line 61 through col. 6, line 10), and

information sending means for sending, through the network, the information provided by said information providing means to a predetermined client device whose request has been processed by said request processing means (col. 6, lines 15-20); and

said at least one client device includes

request sending means for sending a request for transmission of information to said server device through the network (col. 10, lines 4-5);

information receiving means for receiving the information sent from said information sending means through the network (col. 6, lines 15-20); and

information outputting means for outputting the information received by said information receiving means(see Abstract).

4. Regarding claims 2 and 10, Stumm teaches all of the limitations substantially as claimed, as described in claim 1, including wherein said schedule management means further manages relevance between information representing areas and time zones of the respective areas (col. 5, line 60 through col. 6, line 10);

Art Unit: 2143

said request processing mean includes area determination means for determining in which area at least one client device having sent a request for transmission of information exists (col. 5, line 60 through col. 6, line 10); and

said information providing means selects and provides classified information in accordance with a pre-sent time in a time zone of the area which is determined by said request processing means (col. 5, line 60 through col. 6, line 10).

5. Regarding claim 3, Stumm teaches all of the limitations substantially as claimed, as described in claim 1, including wherein said server device further includes schedule information sending means for sending schedule information representing relevance between classifications of information and transmission times of the information to said at least one client device through the network (col. 5, line 30-40);

said at least one client device further includes

schedule information receiving means for receiving schedule information sent from said schedule information sending means through the network (col. 6, lines 15-20), and

request inputting means for inputting a request for transmission of information from said server device, in accordance with the schedule information received by said schedule information receiving means (col. 10, lines 4-10); and said request sending means for sending a request for transmission of information to 20 said server device based on an input from said request inputting means (see Abstract).

Art Unit: 2143

6. Regarding claims 5, 12, 18, Stumm teaches all of the limitations substantially as claimed, as described in claims 1, 9, 14, including wherein the network is the internet (see **Fig. 1, 22**).

7. Regarding claims 11 and 26, Stumm teaches all of the limitations substantially as claimed, as described in claim 9, including wherein said request processing means further includes counting means for counting a number of client devices which have sent a request for transmission of information or a number of client devices to which said information sending means has sent requested information, according to the classifications of the information (col. 10, lines 5-25).

8. Regarding claim 15, Stumm teaches all of the limitations substantially as claimed, as described in claim 14, including wherein said request inputting means includes time setting means for setting a transmission time a request for transmission of information is sent to said server device, and inputs a request to said server device, at the transmission time set by said time setting means (col. 4, lines 55-60).

9. Regarding claim 16, Stumm teaches all of the limitations substantially as claimed, as described in claim 15, including wherein said request inputting means further includes

information classification inputting means for inputting a classification of requested information (col. 3, lines 55-57), and

Art Unit: 2143

time determination means for determining whether it is passed a transmission time of the requested information of the classification input by said information classification inputting means (col. 4, lines 55-60);

controls said request sending means to send a request for transmission of 15 information, when said time determination means determines that it is passed the transmission time of the requested information (col. 4, lines 53-60); and

controls said time setting means to set a transmission time in which a request for transmission of information is sent, when said time determination means determines that it is not passed the transmission time of the requested information (col. 5, lines 30-40).

10. Regarding claim 17, Stumm teaches all of the limitations substantially as claimed, as described in claim 14, including wherein the schedule information is one to be transmitted from said server device through the network (col. 5, lines 30-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 20, 21, 22, 25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stumm in view of obviousness.

11. Regarding claims 4, 20, 21, 22, 25, and 28, Stumm teaches all of the limitations, substantially as claimed, as described in claims 1. The limitations of claims 4, 20, 21, 22, 25, and 28 comprise an intermediate device, with the limitations of claims 1-3, 5-19, 23-25, 26, and 27. Stumm discloses the use of proxy servers (col. 9, lines 50-65) which are intermediate devices. Therefore it would have been obvious to incorporate an intermediate device into the system to manage internet traffic and improve performance by supplying frequently requested data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (703)305-8756. The examiner can normally be reached on M-F 8:30am-5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2143

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Bret Dennison
Patent Examiner
Art Unit 2143



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100